A BILL TO BE ENTITLED
AN ACT
To amend Article 3 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to dental hygienists, so as to authorize licensed dental hygienists to perform certain functions under general supervision in certain settings; to provide for legislative findings and intent; to provide for definitions; to provide for criteria; to provide for requirements; to collect certain Medicaid data; to provide for statutory construction; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.
(a) The General Assembly finds that:
(1) Statistics show that nearly one-third of older adults have untreated tooth decay and nearly 25 percent of adults ages 65 to 74 have severe gum disease. Statistics also show that a significant percentage of lower income children in Georgia do not have adequate access to dental care, putting them at significant risk of developing tooth decay and other oral health conditions;
(2) Professional preventative hygiene services can help prevent such conditions before they begin;
(3) Preventative care is the most cost-effective care that can be delivered to the public;
(4) In 2016, 4,106 Georgians sought emergency dental care at Grady Memorial Hospital at a cost of $1.75 million; and
(5) Of Georgia's 159 counties, 118 are considered dental health professional shortage areas, meaning there are not enough licensed dentists in those areas to meet the dental care needs of the public, resulting in individuals seeking emergency care for dental issues.
(b) It is the intent of the General Assembly to increase access to preventative dental care for underserved and needy populations. It is further the intent of the General Assembly
that the rules and regulations promulgated by the Georgia Board of Dentistry pursuant to
this Act effectuate this purpose to the greatest extent allowable.

SECTION 2.

Article 3 of Chapter 11 of Title 43 of the Official Code of Georgia Annotated, relating to
dental hygienists, is amended by revising Code Section 43-11-74, relating to direct
supervision requirements, scope of duties, and exceptions to required supervision for dental
screenings, as follows:

(a) As used in this Code section the term:

(1) 'Direct supervision' means that a licensed dentist is in the dental office or treatment
    facility, personally diagnoses the condition to be treated, personally authorizes the
    procedure and remains in the dental office or treatment facility while the procedure is
    being performed by the dental hygienist, and before dismissal of the patient, examines
    the patient.

(2) 'General supervision' means that a licensed dentist has authorized the delegable duties
    of a licensed dental hygienist but does not require that a licensed dentist be present when
    such duties are performed.

(b) Licensed dental hygienists shall perform their duties only under the direct
    supervision of a licensed dentist, except as otherwise provided in this Code section. No
    licensed dental hygienist shall diagnose, prescribe, determine the initial dosage, or increase
    the initial dosage of nitrous oxide, practice dentistry, or do any kind of dental work other
    than to remove calcareous deposits, secretions, and stains from the surfaces of the teeth,
    to apply ordinary wash or washes of a soothing character, and to perform those acts,
    services, procedures, and practices which the board shall prescribe by rule or regulation.

The board shall not delegate to dental hygienists the authority to administer local
anesthesia, except that this restriction shall automatically expire July 1, 1992.

(c) After meeting such additional education and training requirements as the board may
    require by rule or regulation, a licensed dental hygienist may perform such other acts,
    practices, services, or procedures under the direct supervision of a licensed dentist, which
    the board may prescribe by rule or regulation subject, however, to the limitations set forth
    in subsection (a) (b) of this Code section.

(d) The requirement of direct supervision shall not apply to the educational training of
dental hygiene students at an institution approved by the board and the Commission on
Dental Accreditation of the American Dental Association, or its successor agency, when
such instruction is carried out under such degree of supervision by a licensed dentist as the
board may prescribe by rule or regulation.
(d)(e) The requirement of direct supervision shall not apply to the performance of dental hygiene duties at approved dental facilities of the Department of Public Health, county boards of health, or the Department of Corrections or the performance of dental hygiene duties by personnel of the Department of Public Health or county boards of health at approved offsite locations. The board shall provide by rule or regulation for criteria for approval of such facilities and for the appropriate degree of supervision by a licensed dentist over dental hygienists performing duties in such facilities.

(f)(1) As used in this subsection, the term 'dental screening' means a visual assessment of the oral cavity without the use of X-rays, laboratory tests, or diagnostic models to determine if it appears that a more thorough clinical examination and diagnosis should be conducted by a licensed dentist.

(2) The requirement of direct supervision shall not apply to the performance of licensed dental hygienists providing dental screenings in settings which include: schools; hospitals; and clinics; state, county, local, and federal public health programs; federally qualified health centers; volunteer community health settings; senior centers; and family violence shelters, as defined in Code Section 19-13-20. Other health fair settings must be preapproved by the board.

(3) Each person who receives a dental screening pursuant to this subsection, or the parent or legal guardian if the person is a minor, must be informed in writing of the purpose and limitations of a dental screening and advised to seek a more thorough clinical examination by a licensed dentist to determine whether or not problems exist that might not be discovered in a dental screening. There shall be no fees charged for providing a dental screening pursuant to this subsection except for dental screenings provided by employees of the Department of Public Health or county boards of health. These fees must be paid directly to that department or county board of health and not to the individual who performs the dental screening.

(g)(1) In a private dental office setting, a licensed dental hygienist may perform only the following functions under general supervision:

(A) Application of sealants and oral prophylaxis and assessment;
(B) Fluoride treatment;
(C) Oral hygiene instruction and education; and
(D) Exposure and processing of radiographs if provided for by specific standing orders of the authorizing licensed dentist, including any protocols regarding urgent dental issues that arise.

(2) A licensed dentist in a private dental office setting may authorize general supervision of a licensed dental hygienist only upon meeting the following criteria:
(A) A new patient of record must be clinically examined by the authorizing licensed dentist during the initial visit;

(B) A patient must be examined by the authorizing licensed dentist at a minimum of twelve-month intervals; and

(C) A patient must be notified in advance of the appointment that he or she will be treated by the licensed dental hygienist under general supervision without the authorizing licensed dentist being present or being examined by the authorizing licensed dentist.

(h) In school settings, licensed dental hygienists may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision, with written permission of the student's parent or guardian. Such written permission may be obtained by the school in the same manner as other parental permissions are obtained. Licensed dental hygienists may also, without prior written permission of the student's parent or guardian, provide oral hygiene instruction and counseling. Confidentiality of any records related to services provided to a student pursuant to this subsection shall be maintained by the licensed dental hygienist and authorizing licensed dentist in compliance with the federal Family Educational Rights and Privacy Act of 1974, 20 U.S.C. Section 1232g. School settings shall include only schools that are Title I schools under the federal Elementary and Secondary Education Act, schools in which at least 65 percent of the student population is eligible for free or reduced price lunch under federal guidelines, Head Start programs, and Georgia's Pre-K Program.

(i) In hospitals, nursing homes, long-term care facilities, rural health clinics, federally qualified health centers, health facilities operated by federal, state, county, or local governments, hospices, family violence shelters as defined in Code Section 19-13-20, and free health clinics as defined in Code Section 51-1-29.4, licensed dental hygienists may apply topical fluoride and perform the application of sealants and oral prophylaxis under general supervision.

(j) A licensed dental hygienist providing dental hygiene services pursuant to subsection (h) or (i) of this Code section shall:

(1) Not perform any dental hygiene services on a patient that has dental pain or clearly visible evidence of widespread dental disease. The licensed dental hygienist shall immediately refer such patient to the authorizing licensed dentist for clinical examination and treatment. The licensed dental hygienist shall notate such patient's file and the patient shall not be eligible to receive dental hygiene services pursuant to subsection (h) or (i) of this Code section until a licensed dentist provides written authorization that such services may be performed on the patient;
(2) Prior to providing any dental hygiene services, obtain, study, and comprehend the school's or facility's protocols and procedures regarding medical emergencies and implement and comply with such protocols and procedures if a medical emergency arises during the provision of dental hygiene services; and

(3) Provide to each patient receiving such services written notice containing:

(A) The name and license number of the licensed dental hygienist and the authorizing licensed dentist;

(B) Any dental hygiene issues that the licensed dental hygienist identified during the performance of dental hygiene duties. If dental hygiene services are not performed on the patient pursuant to paragraph (1) of this subsection, the written notice shall include a statement that the patient is not eligible to receive dental hygiene services until a clinical examination is performed by a licensed dentist and a licensed dentist provides written authorization that services may be performed; and

(C) A statement advising each patient who receives dental hygiene services to seek a more thorough clinical examination by a licensed dentist within 90 days, unless the authorizing licensed dentist performed an initial clinical examination of the patient.

The licensed dental hygienist shall make all reasonable efforts to provide such written notice to parents or legal guardians of minors or incapacitated adults who receive dental hygiene services and to the long-term care facility or nursing home for residents of such facilities who receive dental hygiene services.

(k)(1) Any licensed dental hygienist performing dental hygiene services under general supervision pursuant to this Code section shall have at least two years of experience in the practice of dental hygiene, shall be in compliance with continuing education requirements pursuant to Code Section 43-11-73.1 and cardiopulmonary resuscitation certification requirements contained in Code Section 43-11-73, and shall be licensed in good standing.

(2) Licensed dental hygienists practicing under general supervision shall maintain professional liability insurance in accordance with board rules and regulations.

(l)(1) No licensed dentist shall be required to authorize a licensed dental hygienist or dental hygienists to perform dental hygiene duties pursuant to subsection (g), (h), or (i) of this Code section.

(2) It shall be in the sole discretion of the authorizing licensed dentist as to whether or not to require an initial examination of the patient prior to the performance by a licensed dental hygienist of dental hygiene services under general supervision.

(3) A licensed dentist may only authorize up to four licensed dental hygienists to provide dental hygiene services pursuant to subsection (g), (h), or (i) of this Code section at any one time.
(4) A licensed dentist authorizing one or more licensed dental hygienists to provide
dental hygiene services pursuant to subsection (h) or (i) of this Code section shall practice
dentistry and treat patients in a physical and operational dental office located in this state
within 50 miles of the setting in which the dental hygiene services are to be provided
under general supervision.

(m) Dental hygiene services provided by licensed dental hygienists in mobile dental vans
shall always be provided under direct supervision.

(n) Dental assistants may use rubber cup prophylaxis on a patient with primary dentition under
the direct supervision of a licensed dentist in accordance with any guidelines or rules
established by the board. Dental assistants shall meet any education, training, or other
requirements as established by the board.

(o)(1) Nothing in this Code section shall be construed to require a school or facility
receiving dental hygiene services provided pursuant to subsection (h) or (i) of this Code
section to purchase any equipment.

(2) Nothing in this Code section shall be construed to establish independent dental
hygiene practice.

(p) The Department of Community Health shall collect or cause to be collected data
regarding changes to utilization rates for dental services provided to recipients of Medicaid
and shall make such data readily available to members of the General Assembly upon
written request.

(q) The Georgia Board of Dentistry shall provide a report to the House Committee on
Health and Human Services and the Senate Health and Human Services Committee by
January 1 in 2018, 2019, and 2020 on the number of licensed dentists providing dental
hygienist services under general supervision in each of the following settings: hospitals;
nursing homes; long-term care facilities; rural health clinics; federally qualified health
centers; health facilities operated by federal, state, county, or local governments; hospices;
family violence shelters as defined in Code Section 19-13-20; and free health clinics as
defined in Code Section 51-1-29.4."

SECTION 3. This Act shall become effective on January 1, 2018.

SECTION 4. All laws and parts of laws in conflict with this Act are repealed.

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